

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SAMUEL A. MIRRA

v.

DANIEL FYNES, et al.

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CIVIL ACTION  
No. 13-1677

**ORDER**

AND NOW, this 6th day of May, 2015, upon consideration of defendant Officer Daniel Fynes' partial motion for summary judgment (Dkt. No. 12), plaintiff's response (Dkt. No. 13) and consistent with the accompanying memorandum of law, it is ORDERED that defendant's motion is GRANTED with respect to plaintiff's claim of deliberate indifference to serious medical need under the Fourteenth Amendment (Count VI) and DENIED with respect to plaintiff's claim of intentional infliction of emotional distress under Pennsylvania law (Count IX). JUDGMENT IS ENTERED in favor of defendant Daniel Fynes and against plaintiff Samuel A. Mirra with respect to Count VI of plaintiff's complaint.

It is further ORDERED that the case is listed for trial to commence with jury selection on Monday, June 8, 2015 at 10:00 AM in Courtroom 4A of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Philadelphia, Pennsylvania. Opening statements and testimony will begin on Tuesday, June 9, 2015 at 10:00 AM in Courtroom 4A.

Motions in limine on matters requiring the Court's attention, if any, are to be filed no later than Monday, May 25, 2015. Responses to any such motions shall be filed on or before Monday, June 1, 2015. The parties' proposed points for charge and verdict sheets shall be filed on or before Monday, May 25, 2015.

If the parties believe a settlement conference would be productive they should contact my deputy Mr. Charles Ervin (267-299-7559) promptly.

*s/Thomas N. O'Neill, Jr.*

THOMAS N. O'NEILL, JR., J.